

9.0 MARINE WATER QUALITY CRITERIA

The determination of "unreasonable degradation" of the marine environment is to be based on consideration of the ten criteria listed in Section 1.0. The following section provides information pertinent for the consideration of the ocean discharge criterion listed below:

- **Criterion #10:** "Marine water quality criteria developed pursuant to Section 304(a)(1)."

Marine water quality standards for the protection of designated beneficial uses of the waters of the state of Alaska have been promulgated (Alaska Administrative Code, 18 AAC Chapter 70). The state of Alaska marine water quality standards are established for the protection of designated beneficial uses of the receiving water. These uses include 1) water supply for aquaculture, seafood processing, and industrial uses, 2) water recreation including primary or contact recreation (e.g., swimming) and secondary recreation (e.g., boating), 3) growth and propagation of fish, shellfish, and other aquatic life, and 4) harvesting for consumption of raw mollusks or other raw aquatic life. The U.S. EPA has also promulgated water quality criteria for priority pollutants for marine and fresh waters of the State of Alaska pursuant to Section 304(a) (U.S. EPA 1992).

The primary discharges of concern for water quality impairment result from the discharge of solid wastes that may accumulate in the vicinity of the discharge and the discharge of soluble wastes. Soluble wastes include soluble organic matter and nutrients with the potential to reduce the dissolved oxygen levels of the receiving water, enhance the growth of attached algae and phytoplankton, and alter phytoplankton species composition. Chlorine and other disinfectant wastes are an additional concern when these products are used to sanitize seafood processing work areas and are then discharged without treatment to the receiving water.

In this section the potential discharge resulting from seafood processing operations is discussed in terms of its compliance with federal and state water quality criteria. The evaluation will rely on the modeling

case scenarios developed in Section 3.0 and historical evaluations of the effects of specific Alaska seafood processing discharges on receiving water quality.

Although Section 403(c) regulations of the Clean Water Act allow for the establishment of a 100-m (330-ft) radius mixing zone for the initial dilution of seafood processing effluent, such an allowance has not been made for permitted seafood processing discharges in Alaska. However, a zone-of-deposit (an established bottom zone where solids may accumulate) in the receiving water may be allowed at the discretion of, and within limits set by the Alaska Department of Environmental Conservation (ADEC). An allowance of no more than a one acre (0.40 ha) zone-of-deposit may be established in the new general permit. Therefore, the following evaluation will include a discussion of the potential formation of waste deposits in the vicinity of Alaskan seafood processing discharges and the potential effect of a waste deposit on overlying water quality.

The federal and state water quality standards that are relevant to the evaluation of potential adverse impacts of the discharge of seafood processing waste include:

- Zone-of-deposit
- Aesthetic qualities and floating material
- Turbidity
- Petroleum hydrocarbons, oil and grease
- Dissolved oxygen
- Toxic substances including residual chlorine, unionized ammonia, and undissociated sulfide

These standards are described and evaluated below.

In addition to the 403(c) regulations of the Clean Water Act (CWA), Section 303(d)(1) requires each state to identify those waters within its boundaries for which existing effluent limitations are not stringent enough to comply with applicable water quality standards or are not expected to meet water quality standards even after technology-based effluent limitations are applied. These waters are identified by placement on the 303(d) list. In addition, the state must establish a priority ranking for these waters, taking into account the severity of the pollution and the uses of the waterbodies. Section 305(b)(1) of

the CWA requires each state to prepare and submit to the U.S. EPA Regional Administrator a report [the 305(b) report] which provides the basis for the development of a state water quality management plan for those water bodies identified as impaired or water quality limited. The State of Alaska 305(b) report includes the following information every two years:

- A description of the water quality of all navigable waters in the state during the preceding year as well as an analysis to the extent to which all navigable waters provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water.
- A description of the nature and extent of nonpoint source pollution and recommendations of programs necessary to control nonpoint sources.
- An estimate of the environmental, economic, and social costs and benefits needed to achieve the objectives of the CWA.

The State of Alaska 303(d) list and 305(b) report are discussed and summarized in Section 9.7 below.

9.1 ZONE-OF-DEPOSIT

A zone-of-deposit may be allowed at the discretion of, and within limits set by ADEC. The water quality criteria and anti-degradation requirements of the Alaska water quality standards may be exceeded in a zone-of-deposit, but water quality standards must be met at every point outside of the zone-of-deposit. The water quality standards can not be violated in the water column outside of the deposit by any action, including leaching or suspension of deposited materials via chemical or physical means. The physical limits of the zone-of-deposit may be defined in a permit issued or certified under 18 AAC Chapter 70.015.

The ADEC, in deciding whether to allow a zone-of-deposit, considers:

- The alternatives that would eliminate, or reduce, any adverse effects of the deposit
- The potential direct and indirect impacts on human health
- The potential impacts on aquatic life and other wildlife, including the potential for bioaccumulation and persistence
- The potential impacts on other uses of the water body
- The expected duration of the deposit and any adverse effects
- The potential transport of pollutants by biological, physical, and chemical processes.

The ADEC has considered these items and has determined that a general permit containing an allowance for a zone-of-deposit of one acre (0.40 ha) could be certified under 18 AAC 70.015. The allowance for the depth and volume of the deposit would be indeterminate.

[Based on the modeling case scenarios.....recommendations for monitoring]

Although a variance can be issued to allow for a limited accumulation of seafood waste in the vicinity of the discharge, water quality criteria can not be exceeded in the water column immediately above the zone-of-deposit. Water quality criteria relevant to evaluating the potential adverse effects of wastepile decay on aquatic organisms include criteria for dissolved oxygen, unionized ammonia, and undissociated sulfide (see Section 3.1.3). The potential for the exceedance of these water quality criteria are discussed in the relevant sections below.

9.2 AESTHETIC QUALITIES AND FLOATING MATERIAL

In general, aesthetic water quality and floating material are regulated in the form of narrative standards. These standards differ somewhat depending on the designated marine water uses. For the growth and propagation of fish, shellfish, aquatic life, and wildlife the standard states the following:

"Shall not, alone or in combination with other substances or wastes, make the water unfit or unsafe, or cause acute or chronic problem levels as determined by bioassay or other appropriate methods. Shall not, alone or in combination with other substances, cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines."

Whether the aesthetic and floating material water quality standard will or will not be violated by a particular discharge depends on the depth of the discharge, the presence or absence of water column density stratification, and prevailing wind- and tidally-driven currents, as well as the physical and chemical characteristics of the effluent. Seafood waste discharges near the surface or at depth in relatively shallow, unstratified waters will generally tend to result in the surfacing of the discharge plume. Relatively small waste particles with densities at or below that of seawater (e.g., small bits of fat) will tend to float and may result in accumulations of waste particles near the surface. Depending on the prevailing currents, surface accumulations of waste may be driven onto nearby shorelines.

It is not possible to predict the potential for violation of this standard. However, surfacing plumes and foam were noted during U.S. EPA compliance inspections of several shore-based seafood processing facilities in 1991 (U.S. EPA 1991). The potential for accumulation of floating material on the water surface and shorelines can be minimized by locating the discharge well below the surface of the water and removing floatable material from the wastestream prior to discharge to the receiving waters.

9.3 TURBIDITY

Turbidity is regulated by numeric and narrative standards depending on the designated use of the water. For marine water supply and recreational uses the standard is 25 Nephelometric Turbidity Units (NTU) that should not be exceeded at any time. For the growth and propagation of fish, shellfish, aquatic life and wildlife, the standard is as follows:

"Shall not reduce the depth of the compensation point for photosynthetic activity by more than 10 percent. In addition, shall not reduce the maximum Secchi disk depth by more than 10 percent."

The standard for consumption of raw mollusks or other raw aquatic life is the same as stated above.

Whether or not the state turbidity standard will be violated depends on the initial dilution of the seafood wastewater and the optical properties of the solid waste particles and any dissolved organic matter. Because seafood processing waste effluent can contain an appreciable amount of suspended solids (see Section 2.5) the turbidity standard of 25 NTU may be exceeded during the initial mixing of the wastewater discharge. However, due to dilution and settling of particulate solids the turbidity following initial mixing is likely to be lower than the 25 NTU standard depending on the background turbidity of the receiving water. For example, the maximum turbidity measured in the wastewater plume from the Trident Seafoods-Akutan plant during a peak processing period was 48 NTU, but beyond the visible surface plume maximum turbidities were less than 6 NTU (Tetra Tech 1993).

Violations of the narrative standards for the compensation point for photosynthetic activity and Secchi depth will depend on the ambient conditions at each discharge location. However, considering the potential for exceedance of the turbidity standard, violation of the narrative standards will likely be confined to the area of any visible surface plumes. The potential for exceedance of this standard can be minimized by locating the discharge well below the water surface in relatively deep water.

9.4 PETROLEUM HYDROCARBONS, OILS AND GREASE

Oil and grease is regulated by numeric and narrative standards depending on the designated use of the water. Numeric criteria are established for the protection of water supplies for aquaculture and for the protection of growth and propagation of aquatic life and wildlife. For the protection of aquaculture water supplies the petroleum hydrocarbon or oil and grease concentration shall not exceed 0.01 times the continuous-flow 96-hour LC_{50} for the species involved. For the protection of the growth and propagation of aquatic life and wildlife, the total hydrocarbons in the water column shall not exceed $15 \mu\text{g/L}$ or 0.01 of the lowest measured continuous-flow 96-hour LC_{50} ² for life stages of species identified by ADEC as the most sensitive, biologically important species in a particular location, whichever concentration is less. Also, total aromatic hydrocarbons in the water column shall not exceed $10 \mu\text{g/L}$, or 0.01 of the lowest measured continuous-flow LC_{50} for life stages of species identified by ADEC as the most sensitive, biologically important species in a particular location whichever concentration is less. Furthermore, there shall be no concentrations of hydrocarbons, animal fats, or vegetable oils in the sediment which cause deleterious effects to aquatic life. Surface waters and adjoining shorelines shall be virtually free from floating oil, film, sheen or discoloration. For the protection of water recreation uses the discharge shall not cause a film, sheen, or discoloration on the surface or floor of the water body or adjoining shorelines and surface waters shall be virtually free from floating oils. For the protection of water supply for seafood processing and for harvesting and consumption of raw mollusks or other raw aquatic life the discharge shall not exceed concentrations which individually or in combination impart undesirable odor or taste to organisms as determined by bioassay and or organoleptic tests.

Although relatively small amounts of petroleum hydrocarbons derived from machinery lubricating oils may be discharged along with the seafood processing waste, the primary water quality concern is the creation of floating oil sheens derived from fish and shellfish fats and oils that are discharged as wastes. Some petroleum hydrocarbon releases associated with vessel and boat operations (e.g., refueling) may also occur. As with foam and floating material, the presence of a floating oil sheen will depend on the physical and chemical characteristics of the discharged wastewater and the receiving water.

²The LC_{50} is the concentration of a substance that is lethal to 50 percent of the organisms in a test population. The lower the LC_{50} the more potently toxic the substance. These toxicity tests used to determine the LC_{50} are typically conducted for a fixed period of exposure (e.g., 96 hours).

It is not possible to predict the potential for violation of this standard. However, no oil sheens were noted during U.S. EPA compliance inspections of several shore-based seafood processing facilities conducted in 1991 (U.S. EPA 1991). The potential for exceedance of the oil and grease standard can be minimized by locating the discharge well below the water surface in relatively deep water.

9.5 DISSOLVED OXYGEN

Numeric dissolved oxygen standards have been established for the protection of marine water uses. These standards state that surface dissolved oxygen concentrations in coastal waters shall not be less than 6.0 mg/L for a depth of one meter except when natural conditions cause this value to be depressed. Furthermore, dissolved oxygen shall not be reduced below 4.0 mg/L at any point beneath the water surface. Dissolved oxygen concentrations in estuaries and tidal tributaries shall not be less than 5.0 mg/L except where natural conditions cause this value to be depressed.

To evaluate the potential for exceedance of the state dissolved oxygen standard due to seafood wastewater discharges, the dissolved oxygen concentration following initial dilution and the farfield dissolved oxygen concentration was calculated using the method outlined by the U.S. EPA (1982). This method is applicable to wastewater discharges to open coastal waters, but may not be applicable to discharges to relatively sheltered bays or estuaries. Dissolved oxygen concentrations below 6.0 mg/L were only predicted for the two most conservative cases (Table 9-3). These cases were for receiving waters with an ambient dissolved oxygen concentration of 7.0 mg/L, an initial dilution of 10, a Brooks' n equal to 1 (i.e., linearly increasing horizontal diffusivity), and a BOD₅ concentrations of 155 and 6,850 mg/L (the median and maximum BOD₅ concentrations reported for the total effluent group in Table TD1). Because dissolved oxygen concentrations of the cold marine waters of Alaska are typically greater than 7.0 mg/L, violations of the state standard for dissolved oxygen are not predicted to occur unless ambient receiving water dissolved oxygen concentrations are much below 8.0 mg/L.

Dissolved oxygen concentrations may also be depleted near the surface of decaying bottom accumulations of seafood waste due to bacterial oxidation of the seafood waste. Chemical oxidation of the reduced by-products of bacterially-mediated waste decay (e.g., methane and sulfide) also act to reduce water column dissolved oxygen concentrations above decaying seafood wastepiles. Seafood wastepile modeling studies

of a relatively large wastepile accumulation [approximately 1.2 ha (3.0 ac) or more] in Akutan Harbor, Alaska, a harbor with restricted water exchange, indicated that oxygen consumed by wastepile decay and decay byproducts did not reduce ambient dissolved oxygen concentrations by more than 6-7 percent (Tetra Tech 1986). Therefore, it is unlikely that smaller wastepile accumulations of 0.40 ha (1.0 ac) or less in well flushed coastal waters will cause a significant depression of ambient water column concentrations of dissolved oxygen or result in exceedances of marine water quality criteria for dissolved oxygen.

9.6 TOXICS AND OTHER DELETERIOUS ORGANIC AND INORGANIC SUBSTANCES

The State of Alaska numeric standards for the protection of marine water uses state that substances shall not individually or in combination exceed 0.01 times the lowest measured 96-hour LC_{50} for life stages of species identified by ADEC as being the most sensitive, biologically important to the location, or exceed criteria cited in EPA, *Quality Criteria for Water* (U.S. EPA 1986) or *Alaska Drinking Water Standards* (18 AAC Chapter 80), whichever concentration is less. Furthermore, the standard states that substances shall not be present or exceed concentrations which individually or in combination impart undesirable odor or taste to fish or other aquatic organisms as determined by either bioassay or organoleptic test. Although the U.S. EPA (1992) has promulgated marine water quality criteria for the State of Alaska for priority toxic pollutants, the toxic pollutants of concern for seafood processing waste (i.e., residual chlorine, unionized ammonia, and undissociated sulfide) are not classified as priority toxic pollutants. Therefore, only the State of Alaska marine water quality criteria (Alaska Administrative Code; 18 AAC Chapter 70.020) and the U.S. EPA-recommended criteria (U.S. EPA 1986), including the criteria update for saltwater unionized ammonia criteria (U.S. EPA 1988), are used in the evaluation of criteria for residual chlorine, unionized ammonia, and undissociated sulfide.

9.6.1 Total Residual Chlorine

Disinfectants, including chlorine-based products, are used in the seafood processing industry to destroy potential disease-causing microorganisms that could contaminate finished seafood products destined for human consumption. The Food and Drug Administration (FDA) has proposed regulations to ensure the safe processing of fish and fishery products to reduce the hazards to human health (FDA 1994). The

proposed FDA regulations mandate frequent³ cleaning (through the use of alkaline detergents) and disinfection (through the use of hypochlorites, iodophors, and quarternary ammonium compounds) of seafood processing utensils, equipment, and processing areas to minimize microbiological contamination of seafood products [21 CFR 123.10]. However, associated with the benefits of disinfection are potential adverse effects associated with the reaction of chlorine and chlorine compounds with organic matter and ammonia in the wastewater. Disinfectant reaction byproducts include potentially carcinogenic chlorinated organic compounds and toxic forms of chlorinated ammonia and chloroamines. In freshwater, chlorine reacts with water to form hypochlorous acid, hypochlorite ion, and other reactive forms that include mono- and dichloroamines. These reactive forms are termed "residual chlorine". In seawater, chlorine also reacts with bromide to form hypobromous acid, hypobromite ion, and bromamines. Therefore, the term "chlorine-produced oxidants" is used to refer to the residual chlorine forms measured in seawater.

Marine water quality standards for chlorine have been established by the State of Alaska. The most restrictive numeric standards for total residual chlorine established by the state are for the protection of water supply for aquaculture and for growth and propagation of aquatic life and wildlife. The State of Alaska standard states that the total residual chlorine concentration shall not exceed 2.0 µg/L for salmonid fish, or 10.0 µg/L for other organisms. The recommended federal criteria for residual chlorine concentrations in marine waters states that saltwater and their uses should not be affected unacceptably if the 4-day average concentration (i.e., chronic criterion) of chlorine-produced oxidants does not exceed 7.5 µg/L more than once every 3 years on the average and if the one-hour average concentration does not exceed 13 µg/L more than once every 3 years on the average (U.S. EPA 1985). Therefore, the State of Alaska water quality standard is more restrictive than the recommended federal standard.

Because the complexity of the reactions of chlorine in fresh and marine waters (Carpenter and Smith 1980; Johnson 1980) it is difficult to assess the potential adverse effects of the intermittent application of disinfectants to seafood processing areas. No data are available on the typical amounts and rates of application of active disinfectant ingredients in a typical Alaskan seafood processing facility (see Section 2.0). However, it is likely that residual chlorine concentrations in the effluent discharged to the receiving water is low considering the following:

³For example, the proposed FDA regulations mandate cleaning and disinfection every four hours for cooked or ready to eat seafood products.

- The equipment to be disinfected is first washed to remove much of the visible organic residue and contamination to minimize the quantity of disinfectant required
- The disinfectants are applied in diluted form only to the areas to be disinfected
- The process wastewater effectively dilutes residual disinfectant concentrations
- The remaining residual chlorine compounds remaining after equipment disinfection are reduced when they contact the high concentration of readily oxidized organic waste matter in the wastestream.

Based on the available residual chlorine measurements made on seafood processing wastewater presented in Section 2.7, these assumptions are probably valid. The available monitoring results presented in Section 2.7 indicate that residual chlorine is frequently below analytical detection limits. However, the analytical detection limits achieved and the method used to measure the chlorine residual were not provided. The method used to measure residual chlorine is very important due to the potential positive and negative bias introduced by interfering compounds and specific methods are required to measure chlorine-produced oxidants in wastewaters containing seawater (American Public Health Association 1992). Because of the potential toxicity of residual chlorine compounds derived from the disinfection of seafood processing areas, continued effluent monitoring is recommended. Specific monitoring recommendations for the measurement of residual chlorine are provided in Section 11.0.

9.6.2 Unionized Ammonia

Unionized ammonia can be toxic to marine organisms. The concentration of unionized ammonia depends on the total ammonia concentration and the salinity, temperature, and pH of the water. A relatively conservative estimate of the criteria maximum concentration (acute criterion) for total ammonia appropriate to marine waters of Alaska, based on a salinity of 30 ppt, pH of 8.2, and water temperature of 15° C, is 6.7 mg N/L. A relatively conservative estimate of the criteria continuous concentration (chronic criterion) for total ammonia, based on a salinity of 30 ppt, pH of 8.2, and water temperature of 15° C, is 1.0 mg N/L.

Sources of ammonia attributable to seafood processing discharges include ammonia dissolved in the seafood processing wastewater and ammonia released from the decaying waste organic matter in the water column or from seafood waste that has accumulated on the bottom.

Review of water quality studies conducted in confined bays in the vicinity of active Alaskan seafood processing discharges (Tetra Tech 1993; Tetra Tech 1986; Jones & Stokes Associates and Tetra Tech 1984; Feder and Burrell 1979; U.S. EPA 1976) indicates that maximum water column total ammonia concentrations have not exceeded 0.750 mg/L. Therefore, it is unlikely that discharges of seafood processing wastes to open coastal waters will pose a threat of unionized ammonia toxicity to aquatic organisms.

Ammonia nitrogen is also produced by the bacterially-mediated decay of seafood waste, particularly during the anaerobic decay of seafood wastepile accumulations (see Section 3.1.3). Although Tetra Tech (1987) attempted to develop a simple wastepile decay model to predict the concentration of ammonia nitrogen above a seafood wastepile in Akutan Harbor, AK, the model predicted higher water column concentrations of total ammonia (greater than 1.0 mg/L) than were actually measured above the wastepile (0.22 mg/L). Overestimation of ammonia released from decaying organic matter using simple stoichiometric models has been noted in other studies (e.g., Almgren et al. 1975). Additional loss processes not considered by this model included nitrification and assimilation of the released ammonia. These processes likely reduce the actual concentration of total ammonia to concentrations below levels predicted to be harmful to marine organisms. Therefore, it is unlikely that exceedances of the water quality criteria for unionized ammonia occur due to seafood wastepile accumulations of 0.40 ha (1.0 ac) or less.

9.6.3 Undissociated Sulfide

Hydrogen sulfide (H_2S) is produced by the anaerobic decay of organic matter by bacteria that use sulfate as an electron acceptor (see Section 3.1.3). In seawater most of the hydrogen sulfide (approximately 97.5 percent) dissociates to HS^- and H^+ at the pH, temperature, and salinity of Alaskan marine waters (Tetra Tech 1987; Goldhaber and Kaplan 1975). The remaining undissociated sulfide (approximately 2.5 percent) can be toxic to marine organisms. The saltwater chronic criterion for undissociated sulfide is 2.0 $\mu\text{g/L}$. There is no undissociated sulfide acute criterion established for regulatory purposes.

Because hydrogen sulfide in marine water occurs primarily in the dissociated form, and because hydrogen sulfide is also rapidly oxidized to sulfate in sea water (Almgren and Hagström 1974), undissociated sulfide concentrations above seafood waste piles are expected to be below water quality standards, except possibly just above the waste pile (Tetra Tech 1987). The undissociated hydrogen sulfide concentrations within the pile likely occur at concentrations that exceed water quality criteria, especially in anaerobic zones of the waste pile where oxidation of the released hydrogen sulfide does not occur.

9.7 ALASKAN MARINE WATERS THAT ARE WATER QUALITY LIMITED

In accordance with the requirements of the CWA, the State of Alaska has identified those waters which are water quality limited due to a variety of pollutants [i.e., the 303(d) list]. Two waterbodies on the list, Akutan Harbor and Unalaska Bay, were designated as water quality limited due to fish waste residues (State of Alaska 305(b) report, Table 1). Additionally, those waters which are of monitoring interest in accordance with Section 305(b) of the CWA are also listed. Waterbodies currently included on this list due to seafood processing wastes are: Wrangell Narrows (Petersburg), Orca Inlet (Cordova), and Resurrection Bay (Seward) in Southeast Alaska; St. Paul's Harbor and Gibson Cove on Kodiak Island; South Unalaska Bay, Dutch Harbor, Captains Bay, and Akutan Harbor in the Aleutian Islands; and Naknek River (King Salmon/Naknek) in Bristol Bay (State of Alaska 305(b) report, Table B-1).

9.8 SUMMARY

The potential for exceedances of relevant state and federal water quality criteria due to the discharge of seafood processing waste to coastal marine waters of the State of Alaska was evaluated. Relevant criteria include a proposed zone-of-deposit of 0.40 ha (1.0 ac), aesthetic qualities and floating material, turbidity, oil and grease, dissolved oxygen, and toxic substances, including residual chlorine, unionized ammonia, and undissociated sulfide. In general, it is unlikely that exceedances of the relevant State of Alaska or federal marine water quality criteria will be caused by seafood waste discharges regulated under the new NPDES general permit, with one possible exception. The exception is state aesthetic criteria for accumulations of floating material in the vicinity of discharges and shoreline accumulations of floating seafood

waste. The allowance for a 0.40 ha (1.0 ac) zone-of-deposit is not predicted to cause exceedances of the relevant criteria (i.e., dissolved oxygen, unionized ammonia, undissociated sulfide).

Because of the uncertainty associated with the prediction of the exceedance of the 0.40 ha (1.0 ac) zone-of-deposit, monitoring for the presence and areal extent of seafood waste accumulations in the vicinity of seafood processors covered under the new NPDES general permit is recommended. Because of the potential toxicity of disinfectants used in the maintenance of sanitary conditions in seafood processing areas, and the quality of currently available data, monitoring of wastewater residual chlorine concentrations is also recommended. Specific monitoring recommendations are provided in Section 11.0.

10.0 DETERMINATION OF UNREASONABLE DEGRADATION

Section 1.0 of this ODCE provides the regulatory definition of unreasonable degradation of the marine environment (40 CFR 125.121[e]) and indicates the ten criteria which are to be considered when making this determination (40 CFR 125.122). The actual determination of whether the discharge will cause unreasonable degradation is made by the U.S. EPA Regional Administrator. The intent of this section is to briefly summarize information pertinent to the determination of unreasonable degradation with respect to the ten criteria.

10.1 CRITERION 1

The quantities, composition, and potential for bioaccumulation or persistence of the pollutants to be discharged.

- It is estimated that approximately 80 percent of the seafood processing facilities that will likely be covered under the new NPDES general permit annually discharge 12 million pounds or less of seafood processing solid waste. These facilities also discharge soluble wastes that include biochemical oxygen demand, the nutrients nitrogen and phosphorus, and diluted disinfectant solutions, as well as other miscellaneous waste waters.
- The quantity and character of seafood processing wastes varies seasonally depending on the species processed and the types of products that are produced.
- Although seafood processing wastes do not contain significant quantities of pollutants that may bioaccumulate in aquatic organisms, and therefore do not pose a long-term threat to the health of aquatic organisms or humans, solid wastes have been observed to accumulate and persist in the vicinity of seafood processing waste discharges.

10.2 CRITERION 2

The potential transport of such pollutants by biological, physical, or chemical processes.

- The extent of the initial accumulation of solid waste on the bottom depends on the height of the discharge above the seafloor, current speed, and the settling velocities of the waste particles. The extent of bottom waste accumulation over the long-term depends primarily on the decay rate of the waste organic matter and the degree of resuspension and transport of the deposited waste.
- Soluble wastes from these discharges are expected to be rapidly diluted or degraded by biological, physical, and chemical processes.

10.3 CRITERION 3

The composition and vulnerability of the biological communities which may be exposed to such pollutants, including the presence of unique species or communities of species, the presence of species identified as endangered or threatened pursuant to the Endangered Species Act, or the presence of those species critical to the structure or function of the ecosystem, such as those important for the food chain.

- Benthic communities within the 1 acre zone of deposit may be adversely impacted by smothering or anoxic conditions due to decay of the accumulated organic wastes. Benthic communities outside the zone of deposit may also be impacted due to subtle changes in community composition and structure.
- A worst case analysis for the deposition of seafood wastes covered by the new NPDES general permit (321 acres of bottom covered by seafood waste piles) indicates that much less than 0.0001 percent of the Alaskan coastal waters would receive deposition of organic wastes in amounts thought to have an adverse impact on benthic communities [i.e. 1 cm (0.4 in)].

- Cetaceans found in Alaskan waters currently identified as endangered species pursuant to the Endangered Species Act (ESA) include the following: blue, bowhead, fin, gray, humpback, northern right, sei, and sperm whales. There are no cetaceans currently identified as a threatened species. The Steller sea lion, which occurs from southeast Alaska to the Bering Strait, is listed as a threatened species pursuant to the ESA. Marine birds identified as endangered species include the American peregrine falcon and the short-tailed albatross. Marine birds and waterfowl presently identified as threatened species include the Aleutian Canada goose, Arctic peregrine falcon, and the spectacled eider. The Snake River sockeye salmon and Snake River spring/summer and fall chinook salmon are presently identified as endangered and threatened species, respectively. The discharge of seafood processing wastes are not likely to adversely effect the following species: blue, bowhead, gray, northern right, and sei whales, Steller sea lion, American and Arctic peregrine falcons, short-tailed albatross, Snake River sockeye salmon, and Snake River spring/summer and fall chinook salmon. The humpback, fin, and sperm whales have the potential to be impacted by discharges due to reduction in prey. The Aleutian Canada goose has the potential to be impacted from increased localized populations of gulls and parasitic birds which may adversely effect breeding success.

10.4 CRITERION 4

The importance of the receiving water area to the surrounding biological community, including the presence of spawning sites, nursery/forage areas, migratory pathways, or areas necessary for other functions or critical stages in the life cycle of an organism.

- There are numerous areas in the Alaskan coastal waters that are important areas for a variety of species, ranging from phytoplankton to marine mammals. Areas in the Chukchi Sea include most coastal waters. These areas are used by a variety marine mammals for migration and feeding. The Bering Sea is also an important area for many species including crab species, many commercial fish species, and many marine birds and mammals. Bristol Bay and the Yukon-Kuskokwim Delta are important areas for sockeye salmon, seabirds and waterfowl.

- The Aleutian Islands and the Pribilof Islands, in particular, are very important areas for marine mammals and seabirds. The Pribilof Islands support approximately 72 percent of the entire North Pacific breeding population of northern fur seals. In addition, the Pribilof Islands support one of the largest colonies of nesting seabirds in the Bering Sea. St George Island supports possibly the largest thick-billed murre colony in the world and is also the primary nesting area for most of the world's population of red-legged kittiwakes.
- Shelikof Strait/Cook Inlet is a known migratory route for gray whales and a possible migratory route for fin and humpback whales. This area is also a major spawning area for walleye pollock. Cook Inlet and Kachemak Bay are important areas for killer whales, beluga whales, Dall's porpoises, and harbor porpoises. Sea otters utilize the Kenai Peninsula, Kodiak Island, and Cook Inlet areas. Steller sea lions utilize the entire coastal area, with Shelikof Strait being a particularly critical habitat resource area.
- Areas of major significance to waterfowl include lower and upper Cook Inlet, Kodiak Island, and the eastern side of the Alaska Peninsula. Kachemak Bay, Shelikof Strait, and the Barren Islands are important resource areas for many seabirds. In the Gulf of Alaska, important areas include Copper River Delta, Prince William Sound and several bays in Cook Inlet. The largest concentration of waterfowl during spring and fall are found in the Kenai Lowlands, Trading Bay, Redoubt Bay, and Fox River Flats.
- Kamishak Bay, Kachemak Bay, and part of Shelikof Strait are nurseries for Tanner crab as well as important habitats for King and Dungeness crabs.

10.5 CRITERION 5

The existence of special aquatic sites including, but not limited to, marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas, and coral reefs.

- There are eight national wildlife refuges (Alaska Maritime, Alaska Peninsula, Becharof, Izembek, Kenai, Kodiak, Togiak, and Yukon Delta), twelve state game refuges and sanctuaries (Anchorage Coastal, Cape Newenham, Goose Bay, Mendenhall Wetlands, Palmer Hay Flats, McNeil River, Susitna Flats, Trading Bay, Yakataga, McNeil River, Stan Price, and Walrus Islands), six national parks and preserves (Bering Land Bridge, Katmai, Kenai Fjords, Lake Clark, Wrangell-St. Elias, and Glacier Bay), and two national monuments (Aniakchak and Cape Krusenstern), which exist in the vicinity of potential seafood processing activities.

- There are twelve state designated Critical Habitat Areas (CHA) which exist in the vicinity of potential seafood processing wastes discharges: Cinder River, Clam Gulch, Copper River Delta, Egegik, Fox River Flats, Kachemak Bay, Kalgin Island, Pilot Point, Port Heiden, Port Moller, Redoubt Bay, and Tugidak.

- The National Marine Fisheries Service has designated critical habitat for the Steller sea lion pursuant to the Endangered Species Act. Specific sites include: all Steller sea lion rookeries and major haulouts (> 200 sea lions) located within state and federally managed waters off Alaska, including a zone that extends 0.9 km (3,000 ft) landward and vertical of each rookery and haulout boundary, and that extends 0.9 km (3,000 ft) seaward from rookeries and major haulouts located east of 144° W longitude, or 20 m seaward from rookeries and major haulouts west of 144° W longitude, and one aquatic foraging zone located exclusively in the Gulf of Alaska and two aquatic zones located in the Bering Sea/Aleutian Islands area. All of Shelikof Strait has been designated as critical habitat. Air zones extending 0.9 km (3,000 ft) above these terrestrial and aquatic zones have also been designated as critical habitat

- The Alaska Coastal Management Program authorizes a mechanism for focusing attention to areas of a borough which are critical to the borough's needs and where potential conflicts are likely to occur. This process is initiated by nomination of an Area Meriting Special Attention (AMSA). There are over 20 locations either receiving the AMSA designation or which have been nominated for future designation.

10.6 CRITERION 6

The potential impacts on human health through direct and indirect pathways.

- Seafood processing waste discharges are not expected to result in significant impacts to human health. These discharges do not contain significant quantities of pollutants that bioaccumulate in aquatic organisms, and therefore seafood processing discharges will not result in elevated levels of toxic or carcinogenic pollutants in marine organisms consumed by humans.

10.7 CRITERION 7

Existing or potential recreational and commercial fishing, including finfishing and shellfishing.

- Nearshore locations used for recreational and subsistence fisheries are predominately outside areas with the potential to be impacted by seafood processing waste discharges under the limitations and conditions set forth in the proposed NPDES general permit.
- Commercial fisheries in Alaska include: salmon, groundfish (chiefly walleye pollock, Pacific cod, and Pacific halibut), herring, Tanner, Dungeness, and king crabs, clams, shrimp, scallops, and abalone. Seafood waste discharges may potentially adversely impact stocks of walleye pollock and Pacific cod. The likelihood of impacts to these species is strongly dependent on the timing, composition, quantity, and location of discharges, although the overall impact is expected to be minimal. Other species commercially harvested are not expected to be impacted.

10.8 CRITERION 8

Any applicable requirements of an approved Coastal Zone Management Plan.

- Discharges associated with seafood processing wastes covered under the proposed NPDES general permit are expected to be consistent with relevant Alaska Coastal Management Program and district policies under the limitations and conditions set forth in the general permit with the following provisions: discharges are avoided in areas containing significant concentrations of shellfish, waterfowl, shorebird, or marine mammal habitat or harvest areas, and floating processors shall not be located within 152.4 m (500 ft) of the mouth of any anadromous fish stream within the boundaries of the borough of Angoon.
- Nearshore locations used for subsistence fisheries are predominately outside areas that may be impacted by activities conducted during exploratory drilling. Therefore, discharges associated with oil and gas exploration in the Lease Sale area are expected to be consistent with relevant Borough policies.

10.9 CRITERION 9

Such other factors relating to the effects of the discharge as may be appropriate.

- Concerns have been raised about potential indirect effects of the discharge of seafood processing waste on marine organisms. These indirect effects include the following:
 - Nutrient enrichment of coastal waters which may result in enhanced biomass of phytoplankton and alteration of plankton species composition. Toxic phytoplankton species may occur more frequently and at higher levels under these conditions resulting in adverse effects to aquatic organisms, and potentially to human health.

- The attraction of marine mammals to waste discharges which makes them easier prey for predators.
- The attraction of seabirds to waste discharges which may result in a number of adverse effects that range from oiling, enhancement of the numbers of species of gulls that may adversely affect threatened or endangered bird species, and adverse effects on birds that consume decaying, bacterially contaminated seafood waste.

There is currently no documented scientific evidence that these effects have or will cause unreasonable degradation of the marine environment. However, these concerns are valid and provide general hypotheses that could be addressed by directed scientific studies.

10.10 CRITERION 10

Marine water quality developed pursuant to Section 304(a) of the Clean Water Act.

- The regulated discharge of seafood processing waste is expected to comply with relevant water quality criteria.

10.11 DATA GAPS

While the information contained in this ODCE is intended to provide the basis for the determination of unreasonable degradation, it should be cautioned that some data gaps exist in the understanding of the fate, transport, and effect of seafood processing waste discharges. More exact estimates of the settling velocities of seafood waste particles and waste decay rates are needed to improve the model predictions of the bottom accumulation of seafood solid waste. Field tests of the model predictions should also be conducted. In addition, uncertainty exists regarding the indirect impacts of seafood processing wastes, especially to marine mammals and aquatic birds. It is recommended that research be conducted to address these data gaps.

11.0 MONITORING RECOMMENDATIONS

Effluent and receiving water monitoring is recommended for seafood processing discharges that will be covered under the new NPDES general permit. Monitoring is recommended to ensure compliance with permit stipulations and limits, and to improve the existing database on the quantity and character of seafood processing waste discharges, the transport, fate, and persistence of the discharged waste, potential adverse impacts to aquatic organisms, and compliance with applicable water quality standards. Specific monitoring recommendations are outlined below.

11.1 SEAFOOD PROCESSING FACILITY CHARACTERISTICS

Basic information should be provided by each permittee that will allow the U.S. EPA to characterize the location and type of each processing facility and the physical characteristics of the waste discharge outfall.

Seafood processing facilities should report the following information:

- All facilities should provide the facility or vessel name, address or P.O. Box number, a phone/facsimile number, the type of facility according to the definition in the new general permit, and a general description of the typical species processed and the types of seafood products produced (i.e., *shore-based*, *nearshore*, or *offshore seafood processor*. The types of seafood processing wastewater treatment, in addition to grinding (e.g., screening), that are applied to the discharge should also be described.
- *Shore-based* and *nearshore seafood processors* discharging from a fixed location should report the distance of the facility from shore, the latitude and longitude of the end of the permitted waste discharge outfall, the water depth at MLLW at the point of discharge, and the height of the discharge above the bottom.

- *Offshore and nearshore seafood processors* that do not discharge at fixed locations should report the distance of the facility from shore when the facility discharges seafood waste, the general area or region where the discharge occurs, the range of water depths where the discharge occurs, and the depth below the surface at MLLW to the end of the discharge pipe.

11.2 WASTE DISCHARGE MONITORING

Information should be provided by each permittee that will allow the U.S. EPA to characterize the quality and quantity of solid and liquid wastes discharged by facilities covered under the new permit.

Seafood processing facilities should report the following information:

- The mass (wet weight) of waste solids discharged each month and the single-day maximum waste solids discharged during each month based on facility-specific product recovery rates. The waste discharge estimate should include any discarded species that are passed through the wastehandling system without processing.
- Estimates of the percent of the monthly total and single-day maximum solids waste discharge contributed by specific seafood products and the identification of the products produced should be summarized based on facility-specific product recovery rates. The estimate should include the percent of discarded species discharged through the waste-handling system.
- The ground waste discharge should also be inspected weekly to determine compliance with the limitation that all solid waste be ground to 1.3 cm (0.5 in) or less. The extent of periods of non-compliance and reasons for non-compliance should be reported.
- The monthly average and single-day maximum wastewater flow rate of the final effluent (i.e., including both liquid and solid waste) should be reported.

- The effluent total residual chlorine concentration should be measured on at least one wastewater sample representative of process area disinfectant use collected during each month of operation. The EPA-approved method 4500-Cl G (DPD Colorimetric Method) (APHA 1992) is recommended for wastes with high organic matter content. The actual laboratory method used and any modifications required to correct the data for interfering substances should be described. The results should not be corrected for additional oxidants (i.e., bromine and bromamines) that may be produced in the presence of seawater. The results should be reported as chlorine-produced oxidants. If the concentration of chlorine-produced oxidants is below the laboratory detection limit, the laboratory detection limit should be reported.
- If the facility operates a secondary wastewater treatment plant for the treatment of sanitary wastes, monthly measurements of the TSS and BOD₅ concentration in samples collected from the treated secondary wastewater effluent should be reported.
- Certification should be provided if the facility uses a U.S. Coast Guard-approved marine sanitation device for sanitary wastewater treatment, or if the sanitary waste is discharged to a municipal wastewater treatment system.

11.3 RECEIVING WATER MONITORING

Information should be provided by each permittee that will allow determination of compliance with water quality criteria. The focus of receiving water monitoring should be on the documentation of any solid seafood waste accumulation on the bottom in the vicinity of the discharge, the occurrence and extent of floating waste material accumulations on the water surface or along the shore, and the occurrence and extent of oil sheens on the water surface. Specifically, seafood processing facilities should provide the following information:

- *Shore-based seafood processing facilities* should provide a reasonably accurate estimate of the areal extent of seafood waste solids accumulation on the bottom in the vicinity of the discharge. A single survey conducted between peak processing periods should be

adequate. The survey should be conducted visually by divers. The survey should at a minimum determine the maximum length of the wastepile and the maximum width perpendicular to the long axis of the wastepile. The depth of the deposited waste should be recorded at approximately 1-m (3.3 ft) intervals along each transect. Based on these data the permittee should estimate and report the total areal coverage and volume of the wastepile.

- Visual inspections of the receiving water and shoreline within 500 m (0.3 mi) of the discharge should be conducted to determine the presence or absence of accumulations of floating material or oil sheens on the water surface or along the shoreline. The periods and areal extent of visible floating material or oil sheens should be documented and reported.

11.4 ADDITIONAL CONSIDERATIONS

Additional considerations that may be beyond the scope of the general permit monitoring requirements include data that would provide the basis for the refinement of the WASP5 seafood waste deposition model and directed scientific studies of the relative importance of indirect impacts of seafood processing waste discharges on phytoplankton communities and marine mammals and birds. These studies are briefly outlined below.

11.4.1 Refinement of the WASP5 Seafood Waste Deposition Model

A mathematical model has been developed to predict the deposition and accumulation of seafood solid waste in the vicinity of seafood processing facilities discharging from a fixed location. Using this model a first-approximation was made of the annual seafood solid waste discharge rate that would create a 0.40 ha (1.0 ac) bottom waste accumulation in the absence of resuspension and transport for 12 hypothetical model case scenarios. However, only first-approximations were possible for a number of the variables used in the model. Of particular importance are the estimates of particle settling velocities and the first-order waste decay rate. Field and modeling studies of particular facilities should be conducted to refine and test the predictions made by the model.

Field tests should be conducted at selected facilities where resuspension and transport of the deposited waste is expected to be minimal. Field measurements should include recording of current speeds and direction during several months of the year, measurement of the settling velocities of ground seafood waste particles, and the characteristics of the discharge (e.g., height of the discharge above the bottom, solid waste discharge rates). By accurately measuring these variables and minimizing the influence of resuspension and transport of the deposited solids, a better approximation of the model waste decay rate can be made. The calibrated model can then be tested using data from another representative facility.

Because resuspension and transport is an additional loss mechanism that is not considered in the WASP5 seafood waste deposition model, additional effort should be directed toward the assessment and possible development of models that are capable of predicting the resuspension and transport of deposited seafood solid waste.

11.4.2 Investigations of Potential Indirect Effects of Seafood Processing Waste Discharges

A number of potential indirect effects to marine organisms due to the discharge of seafood processing waste have been identified (see Section 5.0). However, there is currently no documented scientific evidence that these effects have or will cause unreasonable degradation of the marine environment. However, these concerns provide general hypotheses that could be addressed by well designed scientific studies. Specifically, studies should be conducted to address the following hypotheses:

- Seafood processing waste discharges as regulated under the new general permit alone or in combination cause nutrient enrichment of coastal waters which results in enhanced biomass of phytoplankton or alteration of plankton species composition.
- Seafood processing waste discharges as regulated under the new general permit alone or in combination cause toxic phytoplankton species to occur more frequently or in higher concentrations which result in adverse effects to aquatic organisms, and potentially to human health.
- Seafood processing waste discharges as regulated under the new general permit alone or in combination attract and concentrate marine mammals which results in significantly increased mortality of these animals due to increased vulnerability to predators.

- Seafood processing waste discharges as regulated under the new general permit alone or in combination result in the attraction of marine birds to waste discharges which cause a number of adverse effects as a result of oiling, enhancement of the numbers of species of gulls that may adversely affect threatened or endangered bird species, and adverse effects on birds that consume decaying, bacterially contaminated seafood waste.

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